

REMARKS

Status of the Claims

Pending claims

Claims 1 to 22 are pending.

Claims added in the instant amendment

Claims 23 to 50 are added. Thus, after entry of the instant amendment, claims 1 to 50 will be pending and under consideration.

Support for the Claim Amendments

The specification sets forth an extensive description of the invention in the new and amended claims. For example, support for claims directed to methods for treating feeds comprising phytate to lower the phytate content in the feed and increasing the amount of inorganic phosphorous in the feed, and, feeds comprising a recombinant phytase initially derived from a bacteria, e.g., an *E. coli*, can be found, inter alia, on page 10, lines 3 to 5, and 16 to 19. Support for claims directed to food supplements and methods for supplementing the diet of an animal by increasing the amount of inorganic phosphorous in an ingested feed comprising feeding to the animal a composition comprising a recombinant phytase, wherein the recombinant phytase is encoded by a nucleic acid derived from an *E. coli* bacteria, can be found, inter alia, on page 12, line 22 to page 13, line 4; page 15, lines 28 to 30. Support for claims directed to food supplements and methods for supplementing the diet of an animal by administering a transgenic plant or plant part comprising a recombinant phytase encoded by a nucleic acid derived from an *E. coli* bacteria, can be found, inter alia, on page 59, line 25 to page 60, line 4; page 83, lines 5 to 21. Support for claims directed to food supplements as aqueous liquid formulations can be found, inter alia, on page 90, lines 4 to 15. Support for claims directed to drinkable foodstuffs can be found, inter alia, on page 96, lines 1 to 15.

Supplemental Information Disclosure Statement

Applicants thank the Examiner for considering the attached Supplemental Information Disclosure Statement (IDS) and the IDS submitted July 25, 2003, and initially the Forms PTO 1449s.

Applicant : Short, et al.
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CONCLUSION

It is believed that the all claims pending in this application after entry of the instant amendment are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

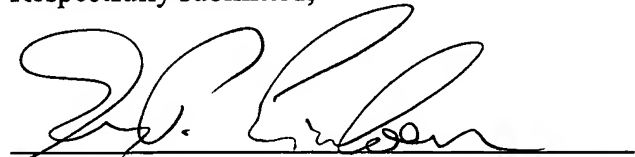
If an additional fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 03-1952. Please credit any overpayment to the above-noted Deposit Account.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858 720 5133.

Respectfully submitted,

Date:

Feb. 19, 2004



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